

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 17 and 20 have been amended. No new matter is being presented, and approval and entry are respectfully requested. Therefore, claims 1-21 are pending and under consideration. Reconsideration is respectfully requested.

AMENDMENTS TO CLAIMS 1, 17 AND 20

Applicant points out that unnecessary semi-colons have been removed from claims 1, 17 and 20. These amendments are intended to improve the form of these claims and should not be understood to affect the scope of the claims.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation that claims 4-10, 14, and 18 have been found to contain allowable subject matter.

OBJECTION TO CLAIM 1

In the Office Action, claim 1 was objected to. However, claim 1 has been amended according to the suggestions of the Office Action. Therefore, it is respectfully requested that the objection be withdrawn.

REJECTION UNDER 35 U.S.C. §102

In the Office Action, at page 2, numbered paragraph 3, claim 20 was rejected under 35 U.S.C. §102(b) as anticipated by Willis et al. (U.S. 5,158,064). This rejection is traversed and reconsideration is requested.

Claim 20 recites an overheated steam oven, including a cabinet to define a cooking cavity therein and an overheated steam generator to supply overheated steam into the cooking cavity. According to claim 20, the overheated steam generator comprises a first heater to generate steam, a second heater, **inside the first heater**, to overheat the generated steam, and

a vessel to guide the generated steam towards the second heater so as to allow the generated steam to be heated by the second heater.

Willis, on the other hand, fails to disclose a second heater inside a first heater, as claimed. Rather, Willis, which is directed to a steam cooking device including a heating element for heating the steam to a superheated condition prior to the steam entering the cooking chamber, discloses a heating element 38 that is located in the steam generating chamber 14 and a heating element 54 that is located above the steam generating chamber.

Since, the heating element 54 in Willis is not "inside the first heater," as claimed, applicant respectfully asserts that claim 20 is patentably distinguished from the reference. Thus, the rejection of claim 20 is believed to be overcome and claim 20 is believed to be allowable.

REJECTION UNDER 35 U.S.C. §103

In the Office Action, claims 1-3, 11-12, 16-17, 19 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Montagnino et al. (U.S. 5,649,476) in view of Ueda et al. (U.S. 6,040,564) and Willis et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Regarding the rejections of both claims 1 and 17, applicant notes that these claims both recite a first vessel containing an amount of water and a second vessel. The second vessel includes an upper portion to communicate with the first vessel and a lower portion where an outlet allows the lower portion to communicate with a cooking chamber. Thus, in the claimed invention, overheated steam is produced from steam that passes through the second vessel from the upper portion thereof to the lower portion thereof.

In contrast, none of the cited references disclose features that correspond to the claimed second vessel including an upper portion to communicate with the first vessel and a lower portion to communicate with a cooking chamber. In fact, each of the references fails to disclose the claimed invention on other fronts as well. Taking each reference under consideration in turn, the applicant will now provide support for these positions.

Montagnino discloses a steam generator for use in steam cooking appliances. According to Montagnino, a boiler chamber surrounds a core of an electric heater. Steam produced when the heater is operated passes *upwardly* into a head chamber and through discharge orifices in an end wall thereof. See the *Abstract in Montagnino*. Therefore, if, *arguendo*, Montagnino discloses first and second vessels, a lower portion (as opposed to an upper portion, as claimed) of such a second vessel would communicate with the first vessel.

Thus, Montagnino fails to disclose second vessel including an upper portion to communicate with the first vessel and a lower portion to communicate with a cooking chamber.

Furthermore, applicants point out that Montagnino does not disclose a second heater, as in the claimed invention, and, further, that the latent heat of the steam is increased due to the fact that the steam is subject to increased pressure in the head chamber 57. Thus, applicant points out that the addition of a second heater, as suggested in the Office Action, would be redundant. As a result, applicant respectfully asserts that a motivation to modify the Montagnino device as suggested in the Office Action does not exist.

Ueda, meanwhile discloses a heating chamber, steam generating means for supplying superheated steam to the heating chamber, and superheated steam maintaining means in the heating chamber to prevent the temperature of the superheated steam from lowering. With respect to the steam generating means, applicant points out that the reference discloses only a ferromagnetic porous heater 17 to produce superheated steam. See *Ueda, column 4, lines 14-19*. Therefore, it appears as though Ueda does not even disclose a first vessel, much less first and second vessels, as claimed. Thus, Ueda certainly fails to disclose a second vessel including an upper portion to communicate with the first vessel and a lower portion to communicate with a cooking chamber.

Of course, applicant recognizes that Ueda discloses a second heating operation which occurs in the heating chamber 13, of Ueda. See *Ueda, column 7, lines 1-10 and FIG. 4*. However, applicant points out that this second heating operation is accomplished by the above-noted superheated steam maintaining means, i.e., the heating partition walls 22, and is not used to produce overheated steam, as claimed, but, rather, to maintain the temperature of the steam inside the cooking cavity. In any case, applicant also points out that, as illustrated in FIG. 4 of Ueda, superheated steam, on which the heating partition walls 22 act, passes *upwardly* through the heating partition walls 22. Applicant respectfully notes that this arrangement is in stark contrast with that of the claimed invention.

Finally, with respect to Willis, applicant pint out that Willis fails to disclose the claimed invention for substantially the same reasons as discussed above with respect to the allowability of claim 20.

Therefore, applicant respectfully points out that none of the cited references disclose features that correspond to that of the claimed invention and, further, that all possible combinations of the cited references also fail to cure the defects in each reference. Thus, applicants assert that claims 1 and 17 are patentably distinguished over the combination of the

references and that claims 1 and 17 are allowable.

Regarding the rejections of claims 2, 3, 11-12, 16, 19 and 21, it is noted that these claims depend from claims 1, 17, and 20, and are therefore allowable for at least the reasons noted above.

In the Office Action, at page 4, numbered paragraph 6, claims 13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Montagnino et al. (U.S. 5,649,476) in view of Ueda et al. and Willis et al as applied to claim 1 above, and further in view of Bullard (U.S. 5,515,773). However, since claims 13 and 15 depend from claim 1, it is believed that these claims are allowable for at least the reasons set forth above with respect to the allowability of claim 1.

CONCLUSION

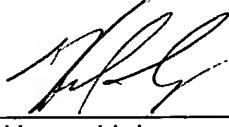
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 12, 2004 By: 
Howard I. Levy
Registration No. 55,378

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501